

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA)	
and)	
STATE OF NEW MEXICO, <i>ex rel.</i> STATE)	
ENGINEER,)	
)	
Plaintiffs,)	No. 01cv00072 BB/WDS
)	
and)	
)	ZUNI RIVER BASIN
ZUNI INDIAN TRIBE, NAVAJO NATION,)	ADJUDICATION
)	
Plaintiffs in Intervention,)	Subfile No. ZRB-1-0065
)	
v.)	
)	
A & R PRODUCTIONS, et al.)	
)	
Defendants.)	
_____)	

MOTION FOR DEFAULT JUDGMENT

The Plaintiffs United States of America (“United States”) and New Mexico ex rel. State Engineer (“State”), pursuant to Fed. R. Civ P. 55(b)(2), move the Court to enter its order granting default judgment against the following defendants:

SIRINTORN ZIMMERMAN & DAVID ZIMMERMAN	Subfile No. ZRB-1-0065
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and as grounds therefore Plaintiffs state:

1. The Court has jurisdiction over the above-named defendants as shown by the filed Proof of Service of Process by Publication (Doc. No. 2379).

2. SIRINTORN ZIMMERMAN & DAVID ZIMMERMAN were provided the documents listed in the Declaration of Khaleelah E. Jones (Exhibit 1) on the dates indicated.

3. With respect to Subfile ZRB-1-0065, Defendants SIRINTORN ZIMMERMAN & DAVID ZIMMERMAN were subject to the Special Master's September 27, 2006 *Order Granting Joint Motion to Amend Procedural and Scheduling Orders and Establish or Revise Deadlines for Defendants to Return Requests for Consultation and Submit Subfile Answers* (Doc. No. 837) ("Procedural and Scheduling Order"), which established a deadline of December 31, 2008 for the submission of a Request for Consultation or the return of a signed Consent Order.

4. These deadlines for Subfile ZRB-1-0065 were never extended.

5. Defendants SIRINTORN ZIMMERMAN & DAVID ZIMMERMAN are in default for failure to appear, answer, or otherwise defend in Subfile ZRB-1-0065 within the time limitations imposed by applicable Procedural and Scheduling Orders, or Orders of the Court extending deadlines, as shown by the Clerk's Certificate of Default filed August 13, 2009 (Doc. No. 2396).

6. In accordance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 4 and 8*, as amended, the right(s) of SIRINTORN ZIMMERMAN & DAVID ZIMMERMAN to divert and use the public waters of the Zuni River Stream System, Sub-Areas 4 and 8, should be as set forth below:

David Zimmerman and Sirintorn Zimmerman
Subfile No. ZRB-1-0065

STOCK POND

Map Label: 8C-1-SP24

Purpose of Use: LIVESTOCK

Priority Date: 1/1/1981

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.5

Surface Area (sq. ft): 19,213

Storage Impoundment Volume (ac-ft): 0.662

Pond Location: As shown on Hydrographic Survey Map 8C-1

S. 17 T. 09N R. 12W 1/4, 1/16, 1/64: SW NW SW

X (ft): 2,632,843 **Y (ft):** 1,458,187

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

WHEREFORE, the Plaintiffs request the Court to enter an order granting default judgment against SIRINTORN ZIMMERMAN & DAVID ZIMMERMAN, incorporating the terms of the Consent Order proposed for Subfile ZRB-1-0065 and in conformance with the *Zuni River Basin Adjudication Hydrographic Survey Report for Sub Areas 4 and 8*, as amended.

Dated: September 4, 2009

Electronically Filed

/s/ Bradley S. Bridgewater

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EX REL. STATE ENGINEER

